

Press Release

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United Kingdom: Commissioner Hammarberg releases human rights report on asylum-seekers and immigrants

Strasbourg, 18.09.2008 – "Improvements must be introduced to strengthen effective respect for the rights of asylum-seekers and immigrants in the United Kingdom" said today Council of Europe Commissioner for Human Rights, Thomas Hammarberg, presenting the first of three memoranda on the country.

Based on visits by the Commissioner to the UK in February and April 2008, the memorandum focuses on major issues relating to asylum and immigration, namely the administrative detention of asylum-seekers, detention of rejected asylum-seekers and immigrants to be deported, the special needs of children, the cases of ethnic Tamils subject to deportation to Sri Lanka and forced return in the context of diplomatic assurances.

While commending the authorities' efforts to enhance the efficiency of the asylum system, the Commissioner expressed concern about the dangers for human rights that accelerated asylum procedures could have in the complex field of refugee law and protection. "The UK authorities should consider regulating the so-called 'Detained Fast Track' by introducing special legislation fully in compliance with the standards laid down by the European Convention on Human Rights", he said. "This type of detention should in particular be forbidden for vulnerable persons, such as unaccompanied minors, for whom alternative measures should be provided." Commissioner Hammarberg was seriously concerned about the reduction in legal aid to asylum-seekers and recalled that asylum seekers should be kept in reception centres, not detention or removal premises.

The Commissioner was also worried about the detention conditions of asylum-seekers. He urged the authorities to limit drastically the use of administrative detention of migrants and recommended that a maximum time limit for such detention be introduced into domestic law. Commissioner Hammarberg recommended that initial and on-going education in human rights protection be promoted for all immigration staff, involving also national human rights structures and other competent organizations.

With regard to migrant children, the Commissioner called on the authorities to ratify promptly the Council of Europe anti-trafficking Convention and to further improve the age-assessment procedures and to keep under constant review the welfare services provided by local authorities. "Further efforts are also needed to provide alternative solutions to detention for families and children" he said, encouraging the authorities to withdraw as soon as possible the "immigration reservation" to the UN Convention on the Rights of the Child.

On the cases of ethnic Tamils subject to deportation to Sri Lanka, Commissioner Hammarberg regretted that the authorities failed to resolve these at the national level, thus encumbering the over-burdened docket of the European Court of Human Rights in Strasbourg. "It is unfortunate that the Home Office has not accepted certain security-related assessments and guidelines on asylum seekers drawn up by UNHCR. The UK authorities should provide refuge to ethnic Tamils from Sri Lanka, as long as there are real risks for their life in case of forced return."

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A political organisation set up in 1949, the Council of Europe works to promote democracy and human rights continent-wide. It also develops common responses to social, cultural and legal challenges in its 47 member states.

Finally, the Commissioner criticised strongly the UK practice of forced returns on the basis of diplomatic assurances, usually sought from countries with long-standing, proven records of torture and ill-treatment. “Freedom from torture and ill-treatment is a fundamental pillar of European societies. It is absolutely crucial that the authorities respect this principle and ensure effective protection of the returnees’ safety and dignity, also by monitoring their reception in the country of origin”.

The [memorandum](#), together with the authorities’ response, is available on the [Commissioner’s website](#).

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